

FARMINGTON CITY PLANNING COMMISSION

Thursday, April 12, 2007

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, Alternate Planning Commission Members David Safeer and Randy Hillier, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Chairman Talbot called the meeting to order at 5:40 P.M. The following items were reviewed:

Agenda Item #3: Farmington City (Public Hearing, continued from 3/15/07) - Consideration of a recommendation to amend or repeal Chapter 12 of the Zoning Ordinance regarding conservation subdivisions and amendments to Chapters 10 and 11 of the Zoning Ordinance regarding lot sizes and references to Chapter 12 and/or conservation subdivisions:

David Petersen explained that the City worked with Randall Arendt (who created the concept of conservation subdivisions) to amend the City's ordinance to include conservation subdivisions. Mr. Arendt was responsible for the first plan for the Farmington Ranches. A committee was created to address issues relating to the new conservation subdivision concept. He reviewed the minimum lot and setback standards that were created by the committee for west Farmington. In order to provide for individual property rights, the Committee created disincentives that were lower than recommended by Mr. Arendt. Both east and west Farmington have standards that were created by Mr. Arendt.

[**Cory Ritz** arrived at 6:00 P.M.]

David Petersen explained that the City replaced the term "disincentive" in the Ordinance that was finalized in 1999 with the term "base lot size." The Ordinance included a provision whereby fill-in properties can qualify for a waiver where they do not need to provide open space so long as certain conditions are met.

Mr. Petersen explained that the City Council has asked that the Planning Commission explore the possibility of eliminating the conservation subdivision concept. Certain members of the Council are concerned that much of the land in east Farmington is gone. He displayed an overhead illustrating which significant properties remain undeveloped on the east side. He displayed an aerial photo and pointed out an area in the City where City staff was able to provide the developer with additional lots in exchange for property to be used for a City trail. This exchange was possible because of the Conservation Subdivision Ordinance. This tool has also been used to acquire property for detention basins and other uses that provide a benefit to the City.

Chairman Talbot stated that it would make more sense to consider the properties on the west side of the City since most of the properties on the east side are developed.

John Bilton asked how the City will be able to negotiate for property they need to benefit the City if they eliminate the conservation subdivision concept.

David Petersen said City staff feels the concept is necessary to negotiate for open space, trail heads, etc. Negotiations will be difficult and costly if the concept is eliminated from the City ordinance. He questioned whether the base lot size should increase if conservation subdivisions are eliminated. Certain City Council members are proposing that the base lot size become the standard lot size. If the minimum lot sizes are amended on the east side, the lots may be out of sync with the existing area. This may be problematic since land is so expensive.

Chairman Talbot said he is opposed to developers receiving credit for unuseable space such as wetlands.

David Petersen explained that those developments also have unconstrained open space. The wetland's areas are given as a credit after the developer has provided the required amount of open space. The City Council has indicated that the smaller lot sizes are not worth the exchange for open space. He feels their argument has merit since some of the open space does not provide utility.

In response to a question from **Kevin Poff**, **David Petersen** said there is not a minimum lot size for conservation subdivisions.

Kevin Poff said it may resolve certain issues if a minimum lot size were created for conservation subdivisions.

David Petersen said the City considered creating a minimum lot size in 1999 but they could not determine what the size should be. The City also needs negotiating power for smaller properties.

Paul Barker asked if the proposal to eliminate the conservation subdivisions is based on the changing demographics and the minimal amount of land available on the east side.

David Petersen said there are property owners who have been waiting for the right time to develop. It will be an issue if they are now required to provide larger lot sizes. The lot sizes that were proposed in 1999 can be adjusted to make the proposal more reasonable.

Cory Ritz suggested that the City eliminate the bonus which would allow conservation space on estate type lots.

Chairman Talbot said he is concerned that most developers receive the bonus even though they do not provide a benefit to the City.

David Petersen recommended that the City eliminate the conservation subdivision concept and create a reasonable base lot size. The ordinance should include a provision which allows the City Manager to offer extra lots in exchange for property that will benefit the City.

Chairman Talbot said he is in favor of allowing open space/estate lots in the center of residential clustering.

The Commission agreed the City Manager should be able to negotiate lots in exchange for property to be used for the following: storm water, bonafide historic building, parks, trails, stream channel riparian habitat, flood control, etc. Property owners should not receive credit for land that is not buildable.

David Petersen recommended that a small committee be formed to consider the amending or repealing the conservation subdivision ordinance. He also recommended that the Planning Commission table consideration of the agenda item until City staff is prepared to present the draft ordinance.

Agenda Item #5: The Gardner Company (Public Hearing) - Applicant is requesting preliminary plat approval and a recommendation for final plat approval for a mixed-use development known as the Village at Old Farm. The site is located west of Main Street, east of US 89, south of the Cherry Hill Interchange, and north of the Old Shepard Creek Estates and Old Shepard Commons subdivision on approximately 34 acres in the NMU zone (C-2-07 and S-8-07)

The Planning Commission reminded City staff that they created a guideline in December, 2006, whereby they will only consider information that has been presented to the City in time to be included in the Planning Commission packet. They agreed that this guideline makes it appropriate to table consideration of this item to allow them adequate time to review the information.

Agenda Item #6: DAI (Public Hearing) - Palmer Estates Preliminary Plat continued from a public hearing on March 15, 2007. Planning Commission to consider revisions to the preliminary plat based on comments from the hearing where the application was previously tabled (S-17-06)

Chairman Talbot stated that the Planning Commission conceptually approves of the plan but has concerns about the unresolved issues such as the road width, the trail location and the flood plain.

Nate Shipp (DAI) stated that he met with the Fire Chief and has agreed to increase the size of the road. He also met with Paul Hirst to create a mitigation that works for the developer, as well as the City. There is no longer a trail issue since he has agreed to gift the trail to the City.

In response to a question from **Paul Barker**, **Nate Shipp** stated that he has attended two meetings with the Historic Preservation Commission regarding the historic home that is located on the property. It is their intent to preserve the portion of the home that has historic value.

Agenda Item #7: Nixon & Nixon, Lock-It-Up Self Storage (Public Hearing) - Applicant is requesting Conditional Use Approval to develop storage units on property located at 549 West Bourne Circle, 3.011 acres in the CM zone (C-5-06)

Chairman Talbot said the City Attorney recommends that the Planning Commission determine whether the proposed property is primary or secondary.

John Bilton asked if the Commission has been provided with guidelines as to what types of properties are primary or secondary.

David Petersen said he interviewed six Realtors last year to determine whether the site is primary or secondary. Four of the Realtors indicated the site is primary. Two of the Realtors indicated it is a secondary site due to its proximity to Station Park.

Chairman Talbot stated that although this property could be considered a gateway to the City, the gas station may make it a secondary site.

John Bilton asked what types of uses the City would like at this site.

David Petersen said at one time, it was proposed that an office building be located on this property. He suggested that the Planning Commission review the master plan that was created by **Mr. Nixon**.

Andrew Hiller said he visited the applicant's storage unit facility in Bountiful. The facility is well screened and includes impressive landscaping.

Chairman Talbot said when the Planning Commission first considered the application, he thought the storage units would be located on the rear portion of the property so it would not be as visible from Park Lane. He would like to conduct a field trip to the property to see exactly where the units will be located.

The Planning Commission reviewed their previous discussions as to whether the site should be considered primary or secondary.

Agenda Item #8: Russin Carver (Public Hearing) - Applicant is requesting a Conditional Use Approval to operate a small kennel for dogs at her home. The operation would take place on 1.004 acres in the A (agriculture) zone at 187 South 1100 West (C-5-07)

David Petersen informed the members of the Planning Commission that the applicant suggested the conditions that were included in the "Possible Motion" which was included in the Planning Commission packet.

The meeting adjourned at 6:55 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members John Bilton, Andrew Hiller, Kevin Poff, Cory Ritz, Paul Barker, Rick Wyss, Alternate Planning Commissioner David Safeer, City Planner David Petersen, Assistant City Planner Jared Hall and Recording Secretary Jill Hedberg.

Chairman Talbot called the meeting to order at 7:00 P.M. **Cory Ritz** offered the invocation.

APPROVAL OF MINUTES

Paul Barker moved that the Planning Commission approve the minutes of the March 29, 2007, Planning Commission Meeting. **Kevin Poff** seconded the motion with changes as noted. The Commission voted unanimously in favor. **Cory Ritz** abstained since he was not present at the March 29, 2007, meeting.

CITY COUNCIL REPORT

Jared Hall reported that the City Council held a Special Meeting on April 10, 2007, where they granted schematic plan approval to amend a previously-approved plan for a mixed use development known as The Village at Old Farm.

PUBLIC HEARING CONTINUED FROM MARCH 15, 2007: FARMINGTON CITY - CONSIDERATION OF A RECOMMENDATION TO AMEND OR REPEAL CHAPTER 12 OF THE ZONING ORDINANCE REGARDING CONSERVATION SUBDIVISIONS AND AMENDMENTS TO CHAPTERS 10 AND 11 OF THE ZONING ORDINANCE REGARDING LOT SIZES AND REFERENCES TO CHAPTER 12 AND/OR CONSERVATION SUBDIVISIONS (Agenda Item #3)

Background Information

It has been suggested to City staff that the minimum lot sizes in conservation subdivisions

in the R and LR zones are too small. It has been further suggested that much of the area in Farmington east of I-15 is already developed, and maybe the City should repeal conservation subdivision options for this area. The following issues should be considered:

1. Conservation Subdivisions allow the City to offer an increase in the total number of lots in exchange for conservation land which must meet the purposes set forth in Chapter 12 of the Zoning Ordinance. This land may include, among other things, private or public open space, parks, trails, detention basins, etc. The Ordinance also provides for the preservation of constrained land (i.e. wetlands, steep slopes, flood plains, etc.). City staff identified approximately 20 remaining undeveloped residential non-mixed use areas east of I-15 (note: this does not include numerous in-fill possibilities which now exist in Farmington). Opportunities to significantly meet the purposes of Chapter 12 exist for all but two of these areas, and the development layout for one other of these areas has already been set by a prior arrangement. If done right, Conservation Subdivision standards can continue to be a useful tool providing “win-win” scenarios by allowing an increase in the number of lots for the property owner and at the same time creating conservation land meeting the purposes referenced herein.
2. What should the City establish as the minimum lot sizes in single-family residential zones if conservation subdivisions are no longer an option? The minimum lot size in the LR zone is now 20,000 square feet due to the enactment of conservation subdivision standards in 1999. Prior to this minimum lot size in the R-S zone (now LR zone), which is the most predominate single family zone in the City, was 10,000 square feet. Prior to 1986 the minimum lot size in this zone was 8,000 square feet. Presently, the most common lot existing east of I-15 is between approximately 8,000 and 10,000 square feet in size.

The median age of Farmington’s population will continue to increase especially as the baby boomers move into the next age cohort. Moreover, house hold size continues to drop because families are choosing to have less children, people are delaying marriage and/or more people are not getting married but remaining single. It is unlikely that this changing demographic will prefer larger lots. Moreover, the price of real estate and housing will continue to increase which does not bode well for a large lot scenario.

Chapter 10, which includes the agriculture zones, AE, A and AA, was included as part of the notice for this agenda item. Unless directed otherwise, City staff is recommending that the Commission defer conservation land issues regarding these areas.

END OF PACKET MATERIAL.

Motion

Rick Wyss moved that the Planning Commission table consideration of a recommendation to amend or repeal Chapter 12 of the Zoning Ordinance regarding conservation subdivisions and amendments to Chapters 10 and 11 of the Zoning Ordinance regarding lot sizes and references to Chapter 12 and/or conservation subdivisions to all City staff to present a draft of the Ordinance. **Kevin Poff** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: TROPHY LAND DEVELOPMENT - APPLICANT IS REQUESTING A CHANGE OF ZONING FROM A (AGRICULTURE) TO AE (AGRICULTURE ESTATES) AND SCHEMATIC PLAN APPROVAL FOR A 23 LOT SUBDIVISION ON 16 ACRES LOCATED ON PROPERTY AT THE SOUTHWEST CORNER OF STATE STREET AND 650 WEST (S-6-07 AND Z-2-07) (Agenda Item #4)

Background Information

The applicant had approached the City about multiple family, but has returned with a requested change of zoning and proposed subdivision of 37 single-family home lots. The change in zoning requested is from A (agricultural) to AE (agricultural estate) which may allow for the subdivision as proposed as far as density and lot size. A significant portion (6.4 acres) has been set aside for conservation open space, also including a possible opportunity to connect an existing trail into the subdivision through some of that area.

Zone Change: The requested change of zoning is in keeping with the general plan of the City which seeks rural residential development in the area.

Layout/Access: The lots range in size from just over 12,000 square feet to just over 21,000 square feet. This is in keeping with the conservation subdivision standards set forth in Chapter 12. Seven lots will front the existing 650 West, and the remaining 30 lots, under the current plan, will receive access from a new right-of-way with two access points onto 650 West. The lots are clustered on the east half of the property, the open space on the west abutting Farmington Creek. No interior roads are proposed to stub to property south of the site. Over 50% of the lots abut or are directly across the street from open space.

Conservation Area: 6.4 acres is set aside abutting the creek and two trail connections proposed to allow pedestrian access through from the subdivision itself and from 650 West. There is an existing trail along the opposite side of the creek, but access to that trail will require some sort of bridge.

Technical Review: Technical reviews for the schematic plan have been largely positive, the developers have begun addressing the only real concern which was gravity flow of the sewer improvements. Drainage is always an issue in this area of the City, and the applicants continue

to work on their plans for it. The current plan (in narrative) calls for drainage to Farmington Creek, and includes a treatment system.

END OF PACKET MATERIAL.

Jared Hall displayed an overhead of the schematic plan. He pointed out where the trails will be located on the property and where a possible trail connection may be located in the future. He reviewed the "Background Information" that was included in the Planning Commission packet. City staff would like a stub street to the south included on the schematic plan to provide access to the southerly properties. The City would also like the applicant to consider dedicating land to the City's park system. He reviewed the conditions that were included in the "Suggested Motion."

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Brent Skipper (Trophy Homes) said after considering the comments received at the last public hearing, they have reduced the project density by 60%. They are now presenting a plan that includes 37 single family units with lot sizes ranging from 12,000 square feet to 21,000 square feet. They are requesting a zone change from A to AE which is consistent with the City's General Plan and is appropriate for this property due to its close proximity to I-15 and Legacy Highway. This project will add roof tops that will add to the success of Station Park. It will also serve as a buffer from the commercial area to the more rural properties. They plan to dedicate 6.4 acres of open space to the City. They also plan to incorporate the trail system into the plan and are willing to consider incorporating a bridge. The homes in this development will be priced between \$450,000 and \$500,000.

Roger Eggett (612 South 650 West) expressed concern that the property owners in the area did not receive notice of this meeting in a timely manner. They only received notice of the meeting after they contacted the City. He was also concerned that the letter was misleading since it indicated that the project would include 23 lots on 16 acres. He has since found that the project will include 37 lots on 21 acres. He said it is not appropriate for the residents to have to keep coming to meetings to maintain their way for life. He hopes the Planning Commission will leave the property zoned A which allows for large, ½ acre lots.

Jared Hall said the project is surrounded by larger lots so there may not have been as many residents who received the notice. A typical mailing notice includes the residents who live within a 300 foot perimeter of the subject property. The Planning Department could consider increasing their mailing radius to 900 feet when subject properties are surrounded by larger lots.

In response to a question from **Roger Eggett, Jared Hall** stated that State law requires that residents receive notice of public hearings 48 hours in advance. The City generally sends notice one week before the hearing. He stated that the incorrect information on the notice was a staff error.

Niels Plant (311 South 650 West) said he received his notice the day of the hearing. His mailing envelope was postmarked April 11, 2007. He was concerned that the notice was not posted at the City on the day of the meeting. He signed up to receive e-mails from the City informing him of the meetings, but he did not receive that either. He said it is possible that some residents received the notice but did not come to the hearing because they were told the proposal was for 23 homes on 16 acres.

Van Bass (599 West 250 South) said he received his notice the day before the meeting. He is concerned that the notice reported different information than what is being proposed. At the previous hearing, the Planning Commission agreed that the lots should remain ½ acre in size. He asked that the Planning Commission continue to require ½ acre lots in this area. The residents should not have to protect their property rights on a monthly basis.

Kelly Maxfield (121 South 650 West) said he received his notice the day of the meeting. He said his comments have not changed since the previous public hearing and asked that they be reinstated in the minutes:

“The developers did not consider the input that was given by the residents at the neighborhood meeting when they created this proposal. The developer’s main reason for rezoning the property is to maximize their return on this property. He moved to Farmington after reviewing the City’s Master Plan and zoning for the area which allows farming. This type of development will prevent him from sharing agricultural experiences with school children.”

Tonna Homer (586 West 250 South) said she received her notice one week prior to the meeting. She also received a notice the day of the meeting stating that the time had changed, but it included incorrect information. This proposal does not meet the current zoning. She would like the area to stay agricultural since the owners of the expensive homes may not like farm animals living across the street.

Donna Whitaker (601 West Whitaker Lane) said she lives within 320 feet of the project and did not receive a notice of the hearing. At the last meeting, City staff informed the residents that they would expand the mailing notice to residents who live within 1,000 feet of the development. She is not opposed to the property being developed but she would like the lots to remain ½ acre in size. She said it will be impossible to access her property if the City allows a development with this many homes.

Jay Petersen (219 South 650 West) said he received his notice one week ago but he did not plan to attend the meeting since the notice indicated that the lot sizes were close to ½ acre. He questioned why the City would allow the developer to amend their proposal after the mailing notices were sent out.

Tom Owens (700 Rock Mill Lane) said this proposal is a good example of why the City needs to amend Chapter 12 which pertains to conservation subdivisions.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

In response to a question from **Rick Wyss**, **Jared Hall** said the developer's application included correct information. City staff was responsible for the incorrect information that was included on the mailing notice.

Rick Wyss expressed concern that there may be residents who did not attend the public hearing as a result of the information that was included on the mailing notice.

Motion

Rick Wyss moved that the Planning Commission table consideration of the change of zoning and schematic plan approval to allow City staff to send a correct notice of the hearing to residents who live within 1,000 feet of the property. **Kevin Poff** seconded the motion, which passed by unanimous vote.

The Planning Commission recommended that the developer meet with the residents to discuss their concerns prior to the next meeting.

PUBLIC HEARING: THE GARDNER COMPANY - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL AND A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR A MIXED-USE DEVELOPMENT KNOWN AS THE VILLAGE AT OLD FARM. THE SITE IS LOCATED WEST OF MAIN STREET, EAST OF US 89, SOUTH OF THE CHERRY HILL INTERCHANGE, AND NORTH OF THE OLD SHEPARD CREEK ESTATES AND OLD SHEPARD COMMONS SUBDIVISIONS ON APPROXIMATELY 34 ACRES IN THE NMU ZONE (C-2-07 AND S-8-07) (Agenda Item #5)

Chairman Talbot stated that the developer did not submit their information to the City in time for the Planning Commission to review it. He suggested that the item be tabled since it is not appropriate for the Planning Commission to act on an item when they are not familiar with

the information.

Motion

Cory Ritz moved that the Planning Commission continue consideration of preliminary plat approval and a recommendation for final plat approval to allow time to study the information prior to the next meeting. **Kevin Poff** seconded the motion, which passed by unanimous vote.

The Planning Commission agreed that they need to follow the guideline they set in December 2007, by requiring developers to submit their information in time for the Commission to adequately review the material before the meeting.

PUBLIC HEARING: DAI - PALMER ESTATES PRELIMINARY PLAT CONTINUED FROM A PUBLIC HEARING ON MARCH 15, 2007. PLANNING COMMISSION TO CONSIDER REVISIONS TO THE PRELIMINARY PLAT BASED ON COMMENTS FROM THE HEARING WHERE THE APPLICATION WAS PREVIOUSLY TABLED (S-17-06) (Agenda Item #6)

Background Information

Planning Commission reviewed Palmer Estates submission at a hearing on March 15, 2007 for preliminary plat. The Commission tabled the item remanding the developers to sort out issues revolving chiefly around fire and emergency access, and the Rudd Creek debris flow issue that were reviewed by the Fire Department Chief and the City Engineer at the hearing. The Commission had also planned to tour the site.

In the ensuing weeks the developers have undertaken to meet with the City Engineer and the Fire Chief and re-design the site based on those meetings. The resulting changes are reviewed in this report. Other issues, including a proposed trail relocation, have also been addressed by the applicant at this point. Consequently, staff and developers felt it was not necessary to wait for the site tour to re-set the item on an agenda for the Commission's consideration.

Density: Project density has not changed. 20 lots are planned, including the removal of two existing homes.

Access/Fire Review: The private road serving the subdivision has been widened to 28' at the greatest and 24' at the least (in limited portions) after meeting with the Fire Chief. The second emergency access route has also been widened. City staff understands that the Chief is in agreement with the plan but would require the formal and signed review as a condition for final approval.

Rudd Creek Debris Flow: After meeting with the City Engineer, the developers have proposed to provide a debris flow path through the property to help mitigate damage. A pedestrian access trail from Main Street westward into the property has been planned in conjunction with a 30' utility and drainage "easement and swale." As a condition for Final Approval, City staff would suggest that the provided easement be labeled "debris flow path." There are other management practices specified by the City Engineer in conjunction with providing this debris flow path, which were discussed at the public hearing prior.

Other Reviews: Other reviews have been ongoing for the revision of the plan, and the concerns expressed regarded running the utility lines out to Main Street as opposed to 600 North as before. There is concern that the elevation change may be too great. The developer maintains that they are willing to make the adjustments necessary to finalize the project and build. Since those concerns did not exist in previous iterations, City staff feels it would be appropriate for the Commission to consider making them conditions for any Final Approval.

Trail Relocation: The developers have effectively removed themselves from the issue regarding the trail relocation by adding it to the project's open space as parcel "A" deeded to Farmington City. In this way, they remove the need and desire to relocate the trail and have dropped it from their plans.

Other Issues: The applicants have continued to propose the "preservation fo the historic portion of the existing home" on lot 2. City staff has had mixed reviews of what exactly that would entail and what effect it would have on the future home on that lot. We would also ask the Commission to assure that the developer will work with City staff and the Historic Preservation Commission to come to an acceptable, clear conclusion for lot 2 as a part of any final approval.

END OF PACKET MATERIAL.

Jared Hall displayed an overhead of the proposed schematic plan. After the last hearing, the applicant met with City staff, the Fire Chief and the City Engineer to resolve the following issues: road width, trail system and drainage/debris flow. City staff suggested that the developer continue working with the City regarding the future of the historic home. He reviewed the "Suggested Alternative Motions" that were included in the Planning Commission packet.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Nate Shipp (DAI) displayed slides and explained that the project will include 20 lots that average ½ acre in size. They have met with City staff and the reviewing agencies to resolve the three main considerations that were discussed during the previous hearing.

Road Width: Mr. Shipp displayed a slide illustrating the road widths. They have met the requirements of City staff and the Fire Chief, while preserving trees on the property.

Drainage: The developer will provide a 30' drainage and swell that will align with 500 North. They will also provide a berm on the easterly portion of Lot 11. Lot 10 was readjusted to meet the required setback.

Trail: The trail will be donated to the City so it can be attached to the property the City is acquiring from the County.

In response to a question from Rick Wyss, Nate Shipp said his company will not be responsible for constructing the homes but they will oversee the Homeowner's Association. They have not yet determined how many builders will be involved in the project.

Tom Owens (700 Rock Mill Lane) said he prefers that the property remain unchanged but if it is to be developed, he is accepting of the developer and the proposed plan. He is pleased that the developer has been concerned about the ambiance of historic Farmington. He is concerned about the impact the homes will have on Main Street. He asked that the developer to continue his efforts to preserve the old Irene Olsen home.

Randy Klein (Trails Committee) expressed appreciation to the developer and to the City for allowing the trail to remain in its current location.

Joe Judd (108 West 600 North) complimented the developers on their efforts to accommodate the City by providing a trail easement. He said the plan is highly professional and will be a positive addition to the community.

Public Hearing Closed

With no further comments, Chairman Talbot closed the public hearing. The Commission members discussed the issues, including the following points:

Kevin Poff asked if the access to the south is wide enough to connect a road in the future.

Nate Shipp said he will adjust the width of the road since it is currently 24 feet and needs to be 28 feet to accommodate two lanes of traffic. It would benefit the Palmer Estate residents to change the main access or to add an additional access to connect to the neighboring parcel.

Kevin Poff asked why the plan shows a gate on the trail access to Main Street.

Nate Shipp explained that the project is a gated community so the gate will provide security. The interior trail system is for the use of the Palmer Estate residents.

Randy Klein stated that the main trail will be accessible to the public.

Kevin Poff said it may send a negative message if the project includes a trail that is not available for other residents in the City.

Nate Shipp explained that the City's trail system will not be impacted. The trail on the interior of the project was never intended to be a public trail. He said the trail could be labeled as "pedestrian access" so it does not send a negative message to the other residents in the City.

Rick Wyss expressed frustration that the Trails Committee plans for trails that do not connect to other trails or features. It is not appropriate to abut the trail next to private property and require developers to provide trails that do not connect.

Andrew Hiller said it is inappropriate for the Planning Commission to impose additional limitations on the developer since they have gone to such great lengths to accommodate the City.

Motion

John Bilton moved that the Planning Commission grant Preliminary Approval, subject to all applicable Farmington City development standards and the following:

1. Developer shall obtain written recommendation from the Fire Department Chief regarding the depicted changes for the road access widths;
2. Developer shall label the drainage and utility easement and swale discussed in the Planning Commission report as a "debris flow path."
3. Developer shall resolve all outstanding issues for the provision and handling of water, secondary water, sewer and storm drainage prior to a hearing for final plat approvals;
4. Developer shall work with Planning staff and the Historic Preservation Commission to resolve the future development of Lot 2 as it relates to the existing historic home prior to submission for final plat approvals;
5. Developer shall provide clear cross sections and profiles for the access road in the varying widths.
6. Final improvement drawings for the site, including a grading and drainage plan and flood control improvements, must be reviewed and approved by the City Engineer, Planning Department, Benchland, UDOT, CDS, and Davis County

Flood Control;

7. The applicant must receive Preliminary PUD Master Plan approval and Final PUD Master Plan approval from the City.
8. The stem to Lot 2 must be replaced by an easement.
9. Ten percent of the site must be devoted to open space.
10. The applicant must prepare a soils report consistent with City Ordinances.
11. An updated preliminary plat acceptable to the City must be prepared by the applicant.
12. The applicant shall provide a 28' easement between lots 7 and 8.

Paul Barker seconded the motion, which passed by unanimous vote.

Findings

- The developer has made an effort to address the concerns of the Trails Committee, the Fire Chief and the City Engineer.
- The developer provided an easement to accommodate future development on the property south of the Palmer property.
- The developer made a generous donation to the City.
- The developer granted an easement to the City to avoid the creation of a flag lot.
- The developer has a plan to preserve a portion of the historic home.
- Residents have publically stated that they are supportive of the project.

The Planning Commission encouraged City staff to draft a one-way street standard.

PUBLIC HEARING: NIXON & NIXON, LOCK-IT-UP SELF STORAGE - APPLICANT IS REQUESTING CONDITIONAL USE APPROVAL TO DEVELOP STORAGE UNITS ON PROPERTY LOCATED AT 549 WEST BOURNE CIRCLE, 3.011 ACRES IN THE CM ZONE (C-5-06) (Agenda Item #7)

Background Information

On September 14, 2006, the Planning Commission denied the application for Conditional Use cited here, finding that it did not represent a part of a Planned Unit Development or a part of a Planned Center Development. That decision was appealed to the City Council on November 9, 2006. The City Council denied that appeal but remanded the application to be heard again by the

Planning Commission based on its merits.

The Council's decision also directs the Commission to review the application again to determine if it is a *primary or secondary site*. They also determined that the site *could* be considered as a Planned Center Development if necessary. It implies that a further review of the design (having been reviewed on multiple occasions) was not the intent, but that a determination of primary or secondary should be made, and a decision be made on the application by the Commission based on that finding be rendered.

END OF PACKET MATERIAL.

Jared Hall reviewed the "Background Information" that was included in the Planning Commission packet. Class A self storage is only allowed in the CMU zone on secondary sites. The Planning Commission is being asked by the City Council to determine whether the proposed site is primary or secondary.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Dan Nixon (Nixon & Nixon Incorporated) said after doing a considerable amount of work to determine whether the site is primary or secondary, he has come to the conclusion that it is a secondary site. He read the following definition for "secondary location" from The Dictionary of Real Estate Appraisal:

Secondary location: *A location that is near or adjacent to the prime location; a second-best location; enhanced by its proximity to the prime location.*

He explained that this is a secondary location so according to the City's ordinance, Class A storage is an acceptable use for this location.

He passed out a handout that included maps and a list of characteristics of other primary and secondary properties that he studied along the Wasatch Front:

- Primary Location:**
- Corners with traffic lights
 - Large development that is part of a major retail center
 - Very high traffic count
 - Easy accessibility
 - Small parcel (usually less than one acre)
 - Large demographics

- Secondary Location:**
- Inconvenient access (over 1,000 feet from intersection, end of a cul-de-sac)
 - Small frontage (less than 100' of frontage and over 500' of depth)
 - Poor visibility (hidden by the rise of the interchange)
 - Small commercial development with minimal adjacent development (4 commercial lots)
 - Oversized parcel (3+ acres)
 - Difficult to develop (site has large amount of wetlands area)

Mr. Nixon said his storage unit facility that is located in Bountiful is a good example of a secondary site since it is located adjacent to primary commercial sites. He believes his Farmington property is a secondary site since it is located next to Chevron, which he considers a primary property.

Jim Talbot questioned whether Anderson Lumber considered the property in Bountiful to be secondary since their business included a retail component.

Dan Nixon said at the time the Anderson Lumber building was constructed, lumber yards were located on properties that were secondary locations. He passed out renderings for three possible uses for this area if they were able to connect this property with properties to the north. Their facility will blend with other developments that will occur in this zone. He passed out a portion of a plat map which included the price per square foot that was paid for the three properties in the Bell complex. He purchased his property for \$5 per square foot while the other properties were marketed/purchased for \$12 per square foot. He thinks the market is an accurate indicator of whether a property is primary or secondary. He believes the City is trying to force them to build somewhere other than their property. This property is where they want to locate their facility and they have a legal right to develop there because they are a permitted use and the property is a secondary site. They are willing to work with the City but they do not feel that the City has justification to deny their request.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

Andrew Hiller said during previous discussions, he shared the developer's opinion that there may not be another appropriate use for this property. After visiting the property and hearing the developer's presentation, he is beginning to question whether the site is a secondary site.

John Bilton said he is aware that this area is considered to be a gateway to the City. He is not certain that this is a primary location but the area should be planned as well as if it were a

planned center development. It is possible that certain properties in the Bell complex are primary, while others are secondary. **Mr. Nixon** has enhanced the area and made it so it is not overly obvious that the structure is a storage facility. The Planning Commission is being asked to make a difficult determination since the City has not given a strong criteria for primary and secondary locations. It is also a difficult determination since the Class A self-storage text is subjective. He would like to find a way to make the storage facility attractive at this location.

Paul Barker said there are several factors that may have influenced the purchase price for this property compared to that of the Chevron property, such as the size of the property and the time the property was purchased. He said the fact that Management Training Corp. considered locating their headquarters on that parcel suggests that this may be a primary location. He would like to review the master plan that **Mr. Nixon** created for the area.

Dan Nixon said they created a master plan that included the properties from Park Lane to Shepard Lane. In order to truly master plan the area, all 22 property owners would have to be willing to participate and the plat would have to be amended. It is awkward for the City to approve Mr. Hunsaker's application but deny his application.

Kevin Poff said some of the points that were brought up during **Mr. Nixon's** presentations made him consider the fact that this may be a primary location. He doesn't think it is appropriate to withhold approval because the City has not provided the Planning Commission with the definitions for primary and secondary locations. He is inclined to vote in favor of the application.

John Bilton stated that in 2006, the Planning Commission tabled consideration of the application to allow the City Council to adopt standards for Class A self storage. At that time, the Planning Commission directed City staff to determine the definition for primary and secondary locations.

Rick Wyss said statutes typically include words that have a plain and ordinary meaning but this statute includes "terms of art." It is incumbent on the City to define the terms primary and secondary location. The Planning Commission should not be responsible to define the terms of the ordinance since they are not a legislative body.

Kevin Poff said the terms can not be defined in a single meeting but it is not right to require the developer to meet a standard that does not exist.

Cory Ritz said this site could be either primary or secondary, depending on what is built there. The storage facility will be visible from the ramp. However, the conceptual design is attractive. He would prefer that a primary use be built on the front portion of the property and that the storage units be built on the rear portion of the property. It is his opinion that there are other zones within the City that are more appropriate for storage units. This is a gateway to the

City which makes him think this may be a primary location.

Rick Wyss said it is not appropriate for the City to direct the developer to define terms from the City ordinance. The role of providing the definitions should be the responsibility of the legislative body. Approximately one year ago, the Planning Commission directed City staff to provide definitions but it has not been done so the developer has been delayed.

Motion

Rick Wyss moved that the Planning Commission table consideration of conditional use and site plan approval for a Class-A Self Storage facility to allow the City provide the Planning Commission the definitions for primary and secondary locations.

Kevin Poff stated that if the Planning Commission does not have specific definitions to consider, the property could be primary or secondary based on the use that is allowed on the property.

Rick Wyss asked if the terms are defined in other City ordinances.

Dan Nixon stated that City staff made an effort to define the terms but they were unsuccessful.

John Bilton suggested that the Planning Commission grant site plan approval. The issue can then be considered by the legislative body.

Kevin Poff seconded the motion.

Rick Wyss asked for input from City staff as to whether this is a primary or secondary location.

Jared Hall said he determines whether a site is primary or secondary by considering visibility, accessibility, and the market. A prime use will make this land a primary location. Based on tonight's discussions, he would likely call the property a secondary location.

In response to a question from **Rick Wyss**, **Dan Nixon** stated that he purchased the property two years ago for approximately \$5 per square foot. The other two properties in the cul-de-sac were marketed for \$12 per square foot.

Andrew Hiller said he agrees with **Commissioner Bilton** that the Planning Commission should come to a decision since the City was unable to define the terms as requested by the Planning Commission. The Planning Commission agrees this property could be considered primary or secondary based on the use.

Cory Ritz said if the Planning Commission grants conditional use approval, the application is not considered again by the City Council. He suggested that the Planning Commission table consideration of conditional use and site plan approval to allow the City Council to determine the definition for primary or secondary.

In response to a question from **Rick Wyss**, **Jared Hall** stated that the definitions for primary and secondary location need to be determined before the Planning Commission can grant conditional use approval.

Jared Hall explained the process that will occur if the Planning Commission's decision is appealed by the applicant or a member of the City Council.

Rick Wyss stated that even if the Planning Commission grants conditional use approval, it is still possible for that decision to be appealed.

Dan Nixon said according to the City Council minutes from the November 9, 2006, meeting, the City Council is asking for a recommendation from the Planning Commission based on the merits of the application.

At that time, **Rick Wyss withdrew his motion.**

Chairman Talbot said he thinks a shopping center would be an appropriate use for this property. **Rulon Gardner** also stated that this would be a prime location for a shopping center due to its accessibility and other components. From the discussions he has heard, many people do not think storage units should be located on prime ground in a prime location. During previous discussions, he thought the facility would be located further back on the property. He would like to conduct a field trip to the property to better visualize where the facility will be located on the property. Although he does not want to delay the developer, he does not want to make a rash decision as to whether the property is a primary or secondary location.

Cory Ritz said the terms primary and secondary may be subjective but this property could be considered primary based on the "highest and best" use.

Motion

Cory Ritz moved that the Planning Commission deny the application based on the property being a primary site, whereby the proposed use is not eligible for consideration on this property.

Rick Wyss questioned whether gas stations have to be located on a secondary site and whether they have to receive a conditional use permit.

Jared Hall explained that in the CMU zone, all uses are allowable but have to be approved by the Planning Commission.

Dan Nixon stated that in the CMU zone, self-storage facilities are the only use that is required to be located on a secondary site.

Paul Barker seconded the motion.

Jared Hall read from Section 11-28-220 which pertains to Class A self storage.

Rick Wyss reminded the Commission that City staff advised them that this property is a secondary location.

Kevin Poff stated that the Class A storage unit facility will be more attractive than the gas station that is located on the corner property.

The Planning Commission discussed the fact that the property has features that could classify it as a primary site but it also has features that could classify it as a secondary site.

The motion failed by a 4 to 3 vote.

Motion

Andrew Hiller moved that the Planning Commission table consideration of conditional use and site plan approval to allow the developer, the Planning Commission, City staff, and members of the City Council to conduct a field trip to the property.

Kevin Poff said he is not opposed to tabling the item to allow time to for the Planning Commission to visit the property and to determine the definition for the terms “primary” and “secondary.”

Andrew Hiller stated that his motion stands because it is not appropriate for the Planning Commission to define the terms for City ordinances.

Kevin Poff seconded the motion, which passed by a 4 to 3 vote.

Dan Nixon said he is willing to take them on a tour of the property since he believes they are close to making a decision. He hopes he is not forced into an issue where he has purchased a developable piece of land that he is unable develop because it is found to be a primary site that is not attractive to primary developers. He said he will continue to contact Realtors to discuss possible uses.

Chairman Talbot stated that although the applicant was directed by the City Council to contact Realtors, it may not be the developer's responsibility.

Findings

- The Planning Commission is not comfortable making a decision based on terms that have not been defined.

PUBLIC HEARING: RUSSIN CARVER - APPLICANT IS REQUESTING A CONDITIONAL USE APPROVAL TO OPERATE A SMALL KENNEL FOR DOGS AT HER HOME. THE OPERATION WOULD TAKE PLACE ON 1.004 ACRES IN THE A (AGRICULTURE) ZONE AT 187 SOUTH 1100 WEST (C-5-07) (Agenda Item #8)

Background Information

The applicant proposes to operate a kennel for up to six dogs located at 187 South 1100 West. Such kennels are not listed as an allowed use in Chapter 10 of the Zoning Ordinance, which includes the A zone. Nevertheless, the Zoning Ordinance contains an administrative determination process for uses not listed which is set forth in Section 11-4-105(6) as follows:

Administrative Determination for Uses Not Listed. Determination as to the classification of uses not specifically listed in Chapters 10 through 26 of this Title may be made by the Zoning Administrator:

1. An application requesting such determination shall be filed with the Zoning Administrator. The application shall include a detailed description of the use and other such information as may be required.
2. The Zoning Administrator shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title and shall make a determination of its classification based on his investigations. The determination shall state the zone classification(s) in which the use will be allowed and whether the use will be a permitted use or a conditional use in the zone(s).
3. The determination and all information pertaining to it shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the Planning and Zoning Department.

Presently, a “Sportsman’s Kennel (three to five dogs for non-commercial use)” is set forth as a conditional use in Chapter 10 of the Zoning Ordinance, which includes the A zone. It appears that from a description of the use by the applicant that her kennel will result in a similar or less negative impact to the neighborhood than a sportsman’s kennel.

END OF PACKET MATERIAL.

Jared Hall reviewed the applicant’s request and the “Background Information” that was included in the Planning Commission packet. The kennel license will be used to benefit the community by giving homeless dogs a temporary refuge while waiting to be adopted. He reviewed the eleven conditions that were included in the “Possible Motion.”

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Russin Carver (187 South 1100 West) said her intent is to foster dogs while attempting to find a home for them. She hopes the kennel will benefit children as well.

Emily Sommer (144 South 1150 West) asked if signage will be placed on the property.

Russin Carver said she will not have signage on her property since the dogs will be sent to her from a different non-commercial organization.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

Motion

Rick Wyss moved that the Planning Commission grant conditional use approval to the applicant for the proposed kennel subject to all applicable Farmington City development standards and ordinances and the following:

1. The property owner must file an application with the City for the proposed kennel use and receive a favorable determination for uses not listed as set forth in Chapter 4 of the Zoning Ordinance.
2. The applicant shall have not more than 5 dogs at any one time on the property.

3. All dogs shall be kept indoors except for bathroom breaks and play time. Such breaks and playtime shall be confined to the areas shown on the site plan. Playtime shall be from 11:00 a.m. to 1:00 p.m. and 6:00 p.m. to 7:00 p.m. During this time, and only this time, minimal barking associated with play may be allowed, but excessive barking shall not be allowed. Barking at all other times, except for bathroom breaks, shall be prohibited.
4. Dogs exhibiting aggression toward any other dog, animal or human shall not be maintained and kept on the property.
5. Dogs must be walked off-site 2-3 hours daily as local laws permit.
6. No breeding should occur at this site, and all dogs shall be spayed or neutered.
7. All dogs must be kept current on vaccinations and wear proper identification.
8. All dogs must be kept and maintained in such a manner so as NOT to degrade (below a reasonable standard), the health, safety, noise, odor or sanitation environment of persons dwelling on neighboring lots or utilizing adjacent or nearby property.
9. The maintenance and upkeep of any dog must not result in the degradation in appearance of the premise on which they are kept in comparison with neighboring premises or nearby properties.
10. The applicant shall only keep dogs for non-commercial, not for profit purposes only.
11. Applicant shall provide additional landscaping, as shown on the site plan.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

1. The proposed use is similar to a Sportsman Kennel which is listed as a conditional use in the A zone.
2. Negative impacts to the neighborhood will be minimized if the applicant complies with the conditions set forth as part of the approval.

[The Planning Commission took a five minute break at 9:35 p.m.]

MISCELLANEOUS, CORRESPONDENCE, ETC.**Chevron Sign**

Jared Hall asked the Planning Commission if they are willing to consider the Chevron gas station on Park Lane as part of a commercial center. If so, he asked that they consider whether they are willing to allow the Chevron sign on Park Lane to be placed off-site and to be higher than the City standard so the sign will be more visible.

The Planning Commission agreed that the property owner should submit a conditional use application. Based on cursory discussions, the Planning Commission should first determine whether this property is considered primary or secondary.

Fat Boy Proposal

Jared Hall explained that the owner's of the company, Fat Boy, are interested in purchasing the property that is located at 115 South 200 East which is located in the OTR zone. They are interested in renting the basement as an apartment but the OTR zone does not allow for basements to be rented. He informed the Commission that if the Planning Commission were to rezone the property it might not be considered spot zoning since the property, according to the City's General Plan, could allow for mixed-uses.

Cary Smith (President of Fat Boy) reviewed the history of the Fat Boy Company and informed the Planning Commission that they are a Utah based company that heavily supports Utah and its products. They are attempting to do their due diligence prior to purchasing the 105 year old property. The asking price makes it impossible for Fat Boy to utilize the building solely for their purpose. He committed that they will be long term property owners who will significantly improve the property.

Kevin Poff pointed out that the majority of the properties in the area are commercial except for the few residential properties. He suggested that the adjacent properties be rezoned to a business use so a zoning island is not created.

Jared Hall stated that the property is "grand-fathered" so it can be used as a business but it may be considered a legal, non-conforming property. It should be acceptable if the non-conforming use is brought closer to conformance.

The Planning Commission conceptually agreed to the building being used for a business purpose with a rental unit in the basement.

Rick Wyss said it may be inappropriate for the Planning Commission to discuss the issue since it was not included on the Agenda.

Certain members of the Planning Commission felt it was acceptable to discuss the proposal so long as they don't take action.

The Planning Commission directed **Cary Smith** to work with City staff to determine whether the "grand-father" clause allows for the property to have a rental unit in the basement.

American Cancer Society's Relay for Life

Andrew Hiller informed the Planning Commission that he submit the required fee to allow the Planning Commission to participate in the Relay for Life. The Planning Commission agreed that each member will raise \$100.00.

Planning Commission and City Staff Discussion

The Planning Commission directed City staff to require developers to submit their materials in a timely manner that will allow the Commission to review the information prior to the meeting.

The Planning Commission also directed City staff to verify that home construction does not occur until project roads are complete.

ADJOURNMENT

Andrew Hiller moved that the Planning Commission adjourn at 10:15 P.M.

Jim Talbot, Chairman
Farmington City Planning Commission